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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,809	02/26/2002	Neeraj Gupta	C7603(V)	8650
201	7590	04/27/2004		
UNILEVER PATENT DEPARTMENT 45 RIVER ROAD EDGEWATER, NJ 07020			EXAMINER DELCOTTO, GREGORY R	
			ART UNIT 1751	PAPER NUMBER

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,809

Applicant(s)

GUPTA ET AL.

Examiner

Gregory R. Del Cotto

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-12 are pending.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy (US 4,973,416) or Gorlin et al (US 6,228,825), both in view of EP 909,809 or Appel et al (US 6,242,409).

Kennedy teaches an article which is an aqueous liquid laundry detergent comprising from about 10% to about 24% by weight of water and a substantially organic neutralization system which is contained in a package, preferably a pouch or packet containing a unit dose of said liquid laundry detergent, said package comprising a water-soluble film-forming material that dissolves when placed in the laundry wash water so as to release the liquid laundry detergent, said water-soluble film forming material being in substantially direct contact with the liquid laundry detergent. See Abstract. The laundry detergents can contain an anionic surfactant, and/or an ethoxylated nonionic surfactant, a builder, an organic neutralization system, and a solvent system comprising water and an organic solvent. See column 3, lines 50-63. Additionally, the compositions may include a peroxygen and a bleach activator. See column 5, lines 25-55.

Gorlin et al teach an automatic dishwashing cleaning package which is a system comprising a water soluble container; and a non-aqueous liquid automatic dishwashing composition containing 30% to 50% of a first polyethylene glycol having a molecular weight of 200 to about 1200, 0.1% to 5% of a second polyethylene glycol having molecular weight of about 2000 to about 6000, 20% to 30% of at least one alkali metal phosphate detergent builder salt; 0.5% to 10% of a nonionic surfactant, 4% to 16% of a silicate compound, 0 to 20% of a peroxygen bleaching agent; 1% to 20% of an alkali

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metal nonphosphate detergent builder salt, 0 to 10% of a protease enzyme, 0 to 5% of a bleach activator, and 0.5% to 8% of an antiredeposition agent. See column 1, line 40 to column 2, line 10.

However, neither Kennedy or Gorlin et al specifically teach the use of an organic substance which forms a complex, said complex being capable of catalyzing bleaching of a substrate by atmospheric oxygen or a unit dose cleaning product comprising a capsule formed of a water-soluble material containing a non-aqueous liquid, a complex being capable of catalyzing bleaching of a substrate by atmospheric oxygen, and the other requisite components of the composition in the specific proportions as recited by the instant claims.

'809 teaches a bleach and oxidation catalyst comprising a catalytically active iron complex including a defined pentadentate nitrogen containing ligand. This type of iron complex can activate hydrogen peroxide or peroxy acids and was found to have favorable stain removal and remarkable dye transfer inhibition properties. See Abstract. The Fe-complex can be used in the washing and bleaching of substrates including laundry, dishwashing, and hard surface cleaning. See page 3, lines 35-45. Suitable ligands used for complexing are N,N-bis(pyridin-2-yl-methyl)-1,1-bis(pyridin-2-yl)-1-aminoethane. See page 4, lines 25-45. Note that, the Examiner asserts that this complex containing this ligand would be capable of bleaching with atmospheric oxygen because '809 teaches the same ligand as recited by instant claim 3.

Appel et al teach catalytically bleaching substrates, with atmospheric oxygen or air. The bleaching composition made be used for bleaching any suitable substrate,

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especially laundry. The method of bleaching involves providing to a substrate a specified ligand from a selected class which forms a complex with a transition metal, the complex catalyzing bleaching of the substrate by atmospheric oxygen. See Abstract. The ligand may be present as a preformed complex of a ligand and a transition metal, etc. See column 3, lines 1-10. Note that, these complexes allow bleaching to continue after the bleaching solution has been removed from the substrate. See page 3, lines 1-25. Appel et al teach the same ligands as recited by instant claim 3. See column 11, lines 1-35. This system is both cost effective and environmentally friendly. See column 2, lines 35-50.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use a complex containing N,N-bis(pyridin-2-yl-methyl)-1,1-bis(pyridin-2-yl)-1-aminoethane in the liquid cleaning compositions taught by Kennedy or Gorlin et al, with a reasonable expectation of success, because '809 teaches the use of a complex containing N,N-bis(pyridin-2-yl-methyl)-1,1-bis(pyridin-2-yl)-1-aminoethane in a similar bleaching composition provides activation of peroxygen compounds and additionally, provides favourable stain removal and remarkable dye transfer inhibition properties and further, Kennedy or Gorlin et al teach the use of bleaching agents in general.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use a complex containing N,N-bis(pyridin-2-yl-methyl)-1,1-bis(pyridin-2-yl)-1-aminoethane in the liquid cleaning compositions taught by Kennedy or Gorlin et al, with a reasonable expectation of success, because Appel et al teach that

the use of a complex containing N,N-bis(pyridin-2-yl-methyl)-1,1-bis(pyridin-2-yl)-1-aminoethane in a similar bleaching composition with peroxygen compounds provides advantageous bleaching properties, is cost effective and provides longer bleaching time and further, Kennedy or Gorlin et al teach the use of bleaching agents in general.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to formulate a unit dose cleaning product comprising a capsule formed of a water-soluble material containing a non-aqueous liquid, a complex being capable of catalyzing bleaching of a substrate by atmospheric oxygen, and the other requisite components of the composition in the specific proportions as recited by the instant claims, with a reasonable expectation of success and similar results with respect to other disclosed components, because the broad teachings of Kennedy or Gorlin et al in combination with '809 or Appel et al suggest a unit dose cleaning product comprising a capsule formed of a water-soluble material containing a non-aqueous liquid, a complex being capable of catalyzing bleaching of a substrate by atmospheric oxygen, and the other requisite components of the composition in the specific proportions as recited by the instant claims.

Conclusion


2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Remaining references cited but not relied upon are considered to be cumulative to or less pertinent than those relied upon or discussed above.

Applicant is reminded that any evidence to be presented in accordance with 37 CFR 1.131 or 1.132 should be submitted before final rejection in order to be considered timely.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (571) 272-1312. The examiner can normally be reached on Mon. thru Fri. from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gregory R. Del Cotto
Primary Examiner
Art Unit 1751

GRD
April 21, 2004

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